

JEFFREY R. SMITH

Clerk to the Board



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FEBRUARY 18, 2014

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JEFFREY R. SMITH

Clerk to the Board



February 18, 2014

REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1801 27th Street, Vero Beach, Florida, on Tuesday, February 18, 2014. Present were Chairman Peter D. O'Bryan, Vice Chairman Wesley S. Davis, and Commissioners Joseph E. Flescher, Bob Solari, and Tim Zorc. Also present were County Administrator Joseph A. Baird, County Attorney Dylan Reingold, and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

Chairman O'Bryan called the meeting to order at 9:00 a.m.

2. INVOCATION

Reverend Christopher M. Rodriguez, Rector, Trinity Episcopal Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Flescher led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman O'Bryan requested the following change(s) to the Agenda:

**MOVE: ITEM 5.E. PRESENTATION BY THE LEARNING ALLIANCE ON UPCOMING
MOONSHOT MOMENT EVENT TO COINCIDE WITH ITEM 5.C.**

**MOVE: ITEM 14.D.2. GIFFORD ECONOMIC DEVELOPMENT COUNCIL INC.
(GEDC) TO COINCIDE WITH ITEM 10.B.2.**

ON MOTION by Commissioner Flescher, SECONDED
by Commissioner Zorc, the Board unanimously approved
the Agenda as amended.

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION IN HONOR OF HARRY HALL UPON HIS
RETIREMENT EFFECTIVE FEBRUARY 28, 2014**

Vice Chairman Davis read and presented the Proclamation to Harry Hall in honor of his
retirement.

**5.B. PROCLAMATION IN RECOGNITION OF THE 125TH ANNIVERSARY OF
FLORIDA PUBLIC HEALTH**

Commissioner Solari read and presented the Proclamation to Department of Health
Administrator Miranda Hawker, in recognition of the 125th Anniversary of Florida Public Health.

**5.C. PROCLAMATION - NATIONAL EDUCATION ASSOCIATION'S (NEA) READ
ACROSS AMERICA**

(Clerk's Note: This Item was heard conjointly with Item 5.E., and is placed here for continuity.)

Chairman O'Bryan read and presented the Proclamation to the committee members of The Learning Alliance (TLA), in recognition of the National Education Association's (NEA) Read Across America.

**5.D. PROCLAMATION HONORING AFRICAN AMERICAN PIONEER DAY
FEBRUARY 2014**

Commissioner Flescher read and presented the Proclamation to: (1) Willie Griffieth, the first African American to be employed as a law enforcement officer in the Indian River Shores Police Department, and later promoted to Traffic and General Crime Investigator. His first cousins Sharon Griffieth and Karen Griffieth received the Proclamation on his behalf; (2) Joseph Brown, the first African American to become a Criminal Justice Academy Coordinator at Indian River State College; and (3) Alvin R. Thomas, the first African American to serve on the City Council for the City of Fellsmere.

Joseph Brown thanked the Board and staff for the Proclamation and honor of being recognized.

Alvin R. Thomas spoke about coming to America from Jamaica, the different jobs he held, and some of his experiences while serving as the Mayor of Fellsmere.

**5.E. PRESENTATION BY THE LEARNING ALLIANCE ON UPCOMING MOONSHOT
MOMENT EVENT**

(Clerk's Note: This Item was heard conjointly with Item 5.C., and is placed here for continuity.)

Maria O'Brien, Learning Alliance, explained the March 3, 2014 "Family Reading Party" event, known as the Moonshot Moment, that will be held at the Vero Beach High School Performing Arts Center from 5:00 to 6:45 p.m. She encouraged the public to get involved and provided their website, www.moonshotmoment.org.

Barbara Hammond, Executive Director of the Learning Alliance, introduced the collaboration of people working toward the Moonshot Moment goal, and expressed the importance of children reading by 3rd grade. She revealed that her organization has done so much work in the last three years, that they received recognition as a national pacesetter from the Annie E. Casey Foundation.

Vice Chairman Davis requested that the reading event be added to the County's website.

6. APPROVAL OF MINUTES

6.A. MEETING OF JANUARY 21, 2014

The Chairman asked if there were any corrections or additions to the minutes. There were none.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the meeting minutes of January 21, 2014, as written.

**7. INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS
NOT REQUIRING BOARD ACTION**

**7.A. PROCLAMATION AND RETIREMENT AWARD HONORING MAURICE A.
LOWTHER ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF
COUNTY COMMISSIONERS DEPARTMENT OF EMERGENCY SERVICES/FIRE
RESCUE WITH TWENTY-NINE YEARS OF SERVICE**

Chairman O'Bryan recognized Maurice "Gus" Lowther on his retirement.

8. CONSENT AGENDA

8.A. APPROVAL OF WARRANTS – JANUARY 31, 2014 TO FEBRUARY 7, 2014

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of January 31, 2014 to February 7, 2014, as requested in the memorandum of February 7, 2014.

**8.B. FINAL PAY TO FLANDERS – BID # 2013046/NCRO PLANT VARIABLE
FREQUENCY DRIVE’S (VFD) REPLACEMENT**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Final Pay Request to Flanders of Lakeland, Florida, for the North County Reverse Osmosis Plant Variable Frequency Drive (VFD) replacement, in the amount of \$55,000.00, as recommended in the memorandum of February 7, 2014.

**8.C. 66TH AVENUE PHASE 2 UTILITY CONFLICT RESOLUTIONS, FINAL PAY TO
CARTER ASSOC., INC., FOR WORK ORDER No. 2 – UCP 4040**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Application for Payment No. 14 Final from Carter Associates, Inc. for Work Order No. 2, in the amount of \$3,304.46, as recommended in the memorandum of January 30, 2014.

WORK ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.D. SOUTH COUNTY REGIONAL PARK MULTI-PURPOSE FIELDS BILL OF SALE
OF UTILITY FACILITIES, IRC PROJECT No. 1126, BID No. 2013009**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Bill of Sale of Utility Facilities, to transfer equipment to the Indian River County Utility Services Department, an enterprise Fund entity, and authorized the Chairman to execute same for recordation in the Public Records of Indian River County, Florida, as recommended in the memorandum of February 10, 2014.

BILL OF SALE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.E. AMENDMENT No. 2 FOR TIME EXTENSION OF AGREEMENT FOR ANNUAL
PROFESSIONAL GEOTECHNICAL SERVICES RFQ No. 2010021**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved and authorized the Chairman to execute Amendment No. 2, for a time extension (September 30, 2014) to the Professional Geotechnical Services Agreement for the following four (4) firms: Ardaman and Associates, Inc.; GFA International, Inc.; Dunkelberger Engineering and Testing, Inc.; and K.S.M. Engineering and Testing, Inc., as recommended in the memorandum of January 29, 2014.

AMENDMENTS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.F. MISCELLANEOUS BUDGET AMENDMENT 006

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2014-011**, amending the Fiscal Year 2013-2014 Budget.

8.G. RESOLUTION FORMALLY DESIGNATING A PORTION OF COUNTY OWNED PROPERTY AS 86TH LANE RIGHT-OF-WAY

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2014-012**, formally designating certain County owned property for 86th Lane right-of-way, and directing the Property Appraiser to cut out the property designated as right-of-way from the parent parcel.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

9.A. LESLIE R. SWAN, INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS: REPORT OF SEVERAL LEGISLATIVE CHANGES REGARDING THE PURCHASE OF NEW VOTING SYSTEM

Supervisor of Elections Leslie Swan recalled that she had informed the Board on March 5, 2013, that her office, in accordance with Statute 101.56075, was required to purchase and implement a new voting system for persons with disabilities by the year 2016; however, by the conclusion of the 2013 Legislation Session, that mandate was pushed back to 2020. She

reminded the Board that she had expressed concerns over the current vendor not being able to provide backup memory cartridges, but last month she received notification that the vendor could supply them, so she will purchase them with funds from her existing budget. Ms. Swan felt the postponement would benefit the County since it will allow funds to be put away for the acquisition of a new voting system after the 2016 Presidential election, and additionally, it will allow her office to meet the projected equipment needs of the growing number of people in the County. She also spoke about Electronic Voter Identification (EViD) Poll Books, and how they are intended to make voter check-in easier and quicker. She said her office plans to budget money in the next fiscal year to replace the original EViD's that will no longer be able to be serviced.

Commissioner Zorc suggested Ms. Swan bring the Board a three or four-year plan of her budget so it could be divided over numerous budget cycles.

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS - NONE

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM VICKI SOULE, TREASURE COAST COMMUNITY HEALTH, REGARDING UPDATE ON TCCH'S COMMUNITY SERVICES

Vicki Soule, CEO of Treasure Coast Community Health, Inc., provided an update on Treasure Coast Community Health's (TCCH) mission, community health centers, primary care services, recent improvements, and community support.

NO BOARD ACTION REQUIRED OR TAKEN

**10.B.2. REQUEST TO SPEAK FROM WANDA SCOTT, WILLIAM MOSLEY, AND
BILL RIGBY, GIFFORD ECONOMIC DEVELOPMENT COUNCIL REGARDING
FEEDBACK**

(Clerk's Note: Item 14.D.2. was heard in conjunction with this item, and is placed here for continuity.)

Reverend William Mosley believed the Gifford community to be in a state of emergency regarding the quality of life. He read an excerpt from the 24/7 Wall Street website regarding the United States having the fourth worst income equality compared to other developed countries, and spoke about eliminating the wide income gap between the rich and the poor. He emphasized that in order for the community to grow and move forward, they need jobs, growth, businesses, improved infrastructure, and economic development. He thereafter requested the Board to provide him with written answers to questions that were posed in 2013 regarding Gifford issues.

Commissioner Solari requested Mr. Mosley to put his questions in writing so staff can respond clearly and timely.

There was a brief discussion and debate regarding Gifford representation, endorsement of Mr. Mosley's product (tablet holder), and commitment.

Chairman O'Bryan said he would request staff to review the 5-Year Capital Improvement Element and pull any projects relating to Gifford, and provide a summary of all community meetings held in the Gifford community over the past nine months.

Bill Rigby, 8465 59th Avenue, emphasized that he was in attendance today to discuss economic issues, not the trash business. He stressed the need for growth in Gifford and believed that if everyone works together, the Gifford community can move forward with improvement.

Commissioner Solari said that he had met with Mr. Mosley and members of the Gifford community on February 12, 2014 to discuss the Gifford Economic Development Council, Inc. (GEDC). He felt there was still a lot of misinformation in the community regarding the proper functions of County Government, as opposed to different Government Agencies, and reiterated that he would be glad to return to Gifford to continue discussions on a regular basis. He also noted that he had taken a list of questions to the GEDC meeting, and thought it would be reasonable to ask basic financial and organizational questions of leadership, and believed it would be appropriate to ask questions similar to those that would be asked of any nonprofit seeking financial support from County government. He agreed that individuals need to work together and get a better grasp on the information out there to succeed.

10.B.3. REQUEST TO SPEAK FROM SHAWN FROST, THE GREEN PATROL, REGARDING HELPING WITH GREEN CERTIFICATION / GREEN HEART AWARDS

Shawn R. Frost, founder and CEO of the Green Patrol, recalled that at the February 11, 2014 Solid Waste Disposal District meeting, Jeremy Nelson had provided a brief overview of the Florida Green Building Coalition (FGBC) and the ways in which the Coalition can help counties achieve the green government standard, and he wanted to know what the Board's decision was for recertification.

Vice Chairman O'Bryan informed Mr. Frost that the item had been tabled, and that Mr. Nelson, or a FGBC representative, would be returning to the Board with additional information regarding the benefits to the County for recertifying with the FGBC. He admitted that the Board did not feel they could justify spending taxpayers' dollars on recertification to maintain the County's Green Local Government status.

Mr. Frost said that he wanted to offer a service through the Green Patrol (thegreenpatrol.org) that would require no tax dollars, create jobs that would help keep Indian River County clean, focus on cleaning the Lagoon, boost the economy, and provide funding to

pursue the green certification. He said his plan would include three paid certified inspectors and 19 volunteer certified inspectors to help “green up” local businesses, as well as the County. He plans to start hiring and training on March 3rd, and will be recognizing nonprofits, for-profits, and individuals who do well on the Saturday before Earth Day.

Commissioner Flescher commended Mr. Frost on his approach, and said he was encouraged by the possible benefits for the business community, local government, and citizens. He also confirmed with Mr. Frost that his business had converted from a nonprofit to a profit organization.

NO BOARD ACTION REQUIRED OR TAKEN

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING MARCH 4, 2014: WINDSOR PROPERTIES REQUEST FOR ABANDONMENT OF A 90’ LONG SLIVER (343 SQUARE FOOT) PORTION OF SAVANNAH DRIVE ADJACENT TO A PORTION OF LOT 1 AND TRACT A OF BLOCK 62 WITHIN WINDSOR PLAT 25 (LEGISLATIVE)

10.C.2. NOTICE OF SCHEDULED PUBLIC HEARING MARCH 11, 2014: CONSIDERATION OF AN ORDINANCE TO TEMPORARILY SUSPEND IMPOSITION OF THREE IMPACT FEES FOR ONE YEAR OR UNTIL THE CURRENT IMPACT FEE REVIEW IS COMPLETED AND A NEW IMPACT FEE SCHEDULE IS APPROVED AND BECOMES EFFECTIVE, WHICHEVER OCCURS FIRST (LEGISLATIVE)

County Attorney Dylan Reingold read the notices into the record.

The Chairman called for a break at 10:46 a.m., and reconvened the meeting at 10:56 a.m., with all members present.

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. REQUEST FROM STAFF FOR AUTHORIZATION TO INITIATE AN LDR AMENDMENT TO CREATE SPECIAL OVERLAY REGULATIONS FOR THE WEST GIFFORD INDUSTRIAL AND COMMERCE (WGIC) AREA ON 163 ACRES OF PROPERTY IN WEST GIFFORD ZONED IG (GENERAL INDUSTRIAL)

Community Development Director Stan Boling recapped his memorandum dated February 3, 2014, providing background, conditions, and analysis pertaining to staff's request for authorization to: (1) update the draft overlay regulations for the West Gifford Industrial and Commerce (WGIC) area (163 acres bordered by 43rd Avenue on the east, 58th Avenue on the west, 45th Street on the north, and 41st Street on the south), which is zoned as General Industrial (IG); and (2) initiate the formal process for adopting the draft regulations. He recommended the Board authorize staff to initiate a Land Development Regulation (LDR) Amendment for the WGIC overlay regulations (as opposed to a rezoning approach), invoke the pending ordinance doctrine, and direct staff to apply the draft regulations in the interim.

A lengthy discussion ensued as Commissioners posed questions to staff and expressed opinions on the soundness of the pending ordinance doctrine; the criteria proposed for the three special exception uses (batch plants, mulch operations, and demolition debris facilities) in West Gifford's IG zoned property; the requirements for IG and Light Industrial (IL) zoning; and grandfathering uses.

Chairman O'Bryan reiterated that currently the demolition debris site and the concrete batch plants have permitted rights, and at today's meeting, the Board is not adding these uses to the Gifford area, they are considering changing them from permitted to special exception uses, which requires a public notice process, a public hearing before the Planning and Zoning Commission, and a public hearing before the Board of County Commissioners, which allows more public input.

Chairman O'Bryan opened the floor to public comments.

The following individuals spoke in **support** of staff's recommendation to create special WGIC overlay regulations:

Joe Idlette III, 4570 57th Avenue, and President of the Progressive Civic League of Gifford, FL, Inc.

Freddie Woolfork, 4590 57th Avenue

Jack Stiefel, 634 Centre Court SW

Charles Brimmer, Amelia Plantation Court

Crystal Boujol, 8 Vista Garden Trails

Marcy Oppenheimer Nolan, Becker and Poliakoff Law Firm, representing the Progressive Civic League of Gifford

John Marr, Tulip Lane

Dan Lamson, Executive Director of the Indian River County Neighborhood Association

Tony Esposito, 4635 45th Street

Andy Bowler, representing Indian River Habitat for Humanity

Keith Tagg, Mr. Scrap, Inc., 4455 45th Street

Teri Potts, 4255 Amelia Plantation Court

William Mosley, Gifford Economic Development Council

The following individuals spoke in **opposition** to staff's recommendation to create special WGIC overlay regulations:

Kathleen Jaskolski, 5211 Eleuthra Circle

Anthony Brown, 4159 57th Court

Julianne Price, address not provided

Charles Vogt, address not provided

Russell Payne, owner of Mr. Mulch, 5420 41st Street

Benny Rhyant, 1312 14th Place, President of the Indian River County Pastor Association

Althea McKenzie, 2405 16th Avenue

Cynthia Spann, 4575 33rd Avenue

Jeff Thompson, Vero Millwork, Inc.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Commissioner Solari, to direct staff to: (1) initiate the formal process of amending the Land Development Regulations (LDRs) to create the West Gifford Industrial and Commerce (WGIC) overlay regulations; (2) invoke the pending ordinance doctrine; and (3) apply the draft WGIC overlay regulations to development applications until final regulations are formally adopted.

Following the lengthy discussion, Commissioners expressed their views over staff's proposal; protecting the business community; and finding a balance for landscaping improvements.

Chairman O'Bryan voiced his opposition to the Motion, preferring to bar concrete plants and demolition debris facilities from Gifford.

Director Boling reiterated that this item is not an adoption hearing. He voiced concerns over mulch hard-bottom floors in the Best Management Practices (BMP) guidelines; stated that the existing junk yards along 45th Street need to upgrade, replace, or hide their broken fences; and noted that staff would return to the Board with cost information for beautification projects.

The Chairman CALLED THE QUESTION and by a 4-1 vote (Chairman O'Bryan opposed), the Motion carried.

The Chairman called for a break at 1:49 p.m., and reconvened the meeting at 2:15 p.m., with all members present.

12.A.2. REVIEW OF INEOS NEW PLANET BIOENERGY LLC'S AD VALOREM TAX EXEMPTION ANNUAL REPORT

Director Boling reviewed his memorandum dated February 10, 2014, presenting INEOS New Planet BioEnergy LLC's (INEOS) request to continue with its economic development ad valorem tax exemption requirements. He said that after review of the INEOS January 2014 annual report, staff found that INEOS's 2013 performance scored the same number of points under the County's scoring guidelines, as scored on its 2011 tax abatement application, and therefore asked the Board to find INEOS in compliance with the tax abatement requirements.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously found that INEOS New Planet BioEnergy LLC is currently in compliance with its ad valorem tax exemption requirements, as recommended in the memorandum of February 10, 2014.

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES - NONE

12.D. HUMAN RESOURCES - NONE

12.E. HUMAN SERVICES - NONE

12.F. LEISURE SERVICES - NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET

12.G.1. FIRE RESCUE ROLLING STOCK – FIVE-YEAR REPLACEMENT PLAN

(Clerk's Note: This item was heard following Item 13.A., and is placed here for continuity.)

Management and Budget Director Jason Brown recalled the discussion from the February 11, 2014 Board of County Commission meeting whereby staff was directed to provide an update on the Fire Rescue fleet, and a five-year plan to catch up on scheduled replacements of vehicles for the District. He reviewed the details of the Fire Rescue's ambulance fleet, rescue engine fleet, and the projected five-year replacement schedule. He requested the Board to approve the funding plan in concept and authorize a budget amendment from Optional Sales Tax for three replacement ambulances.

MOTION WAS MADE by Commissioner Flescher,
SECONDED by Commissioner Solari, to approve staff's
recommendation.

Discussion ensued regarding funding options; lead time delays for ordering parts and vehicles; additional fire stations; and staff having applied for a Federal Grant.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board: (1) approved in concept the projected Five-Year Plan for the replacement of front line fire rescue vehicles; (2) a Budget Amendment in the amount of \$700,000 from Optional Sales Tax Reserves for the purchase of three (3) replacement ambulances; and (3) additional capital necessary to provide Fire Rescue Services for the current fiscal year, all as recommended in the memorandum of February 12, 2014.

MOTION WAS MADE by Commissioner Zorc to direct staff to purchase four (4) defibrillator units, using District Funds. MOTION DIED for lack of a Second.

Administrator Baird advised that four defibrillator units would cost about \$120,000.

Commissioner Solari suggested this item be tabled to the next Board of County Commission meeting so it can be properly noticed.

Staff agreed, and Commissioner Zorc withdrew his motion.

12.H. RECREATION - NONE

12.I. PUBLIC WORKS

**12.I.1. INTRODUCTION OF ALEXIS THOMAS, INDIAN RIVER COUNTY
STORMWATER EDUCATION & ENFORCEMENT OFFICER**

Public Works Director Chris Mora introduced new employee Alexis Thomas, an Environmental Scientist, who will be working as the Indian River County Stormwater Education and Enforcement Officer. He said she will be educating the public on the components of the new Fertilizer Ordinance, and also handle enforcement.

Alexis Thomas described her background and education, and expressed her enthusiasm in helping to restore the estuary, educate the public, and enforce the Fertilizer Ordinance.

Chairman O'Bryan requested that in addition to her regular duties, she assist the Environmental Learning Center (ELC) with their programs, and undertake the job of touring certain groups throughout the County to show them some of the County's projects.

12.J. UTILITIES SERVICES

12.J.1. SEWER FEASIBILITY STUDY FOR THE SUMMERPLACE AREA – RESULTS

(Clerk's Note: This Item was heard following Item 14.D.1., and is placed here for continuity.)

Director of Utility Services Vincent Burke recalled the Board's approval on August 20, 2013, for a Feasibility Study to provide professional services to investigate the feasibility of installing centralized sewer services. Using a Prezi presentation (copy on file), he provided description and analysis of the three types of sewer collection systems (gravity based, vacuum, and low pressure) that could be used in the Summerplace area, and the cost for each. He said the results of the study showed the vacuum alternative to be the preferred method for a centralized sewer system, but the Utility Department prefers the gravity based system. He used a

construction schematic in his presentation to show the proposal for 52 gravity based systems in the southeast portion of Summerplace, and 217 vacuum systems in the west, for a total of 269 residential parcels. He recommended the Board approve moving forward with the vacuum based system in the west, and a hybrid gravity based system in the southeast corner to tie into the existing lift station. He also asked that the information be added to the County's website.

Chairman O'Bryan questioned the STEP (Septic Tank and Effluent Pump) system, and whether it had been evaluated.

Joseph Schulke, Schulke, Bittle and Stoddard, LLC, said his scope was limited so he did not price out a STEP system. He discussed the items that had been considered, explained his research, and noted that at least half of the septic tanks in Summerplace were built prior to 1983, which means they are substandard in size (750 gallons), and for the STEP system to work, they need to be at least 1,000 gallons. He also pointed out that the Environmental Protection Agency's manuals recommend replacing the entire septic tank, which would increase prices substantially.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized: (1) staff to determine the next phase; (2) staff to present the findings to the Summerplace Home Owners Association; and (3) staff to publish both Feasibility Studies on the County's website, as recommended in the memorandum of January 30, 2014.

The Chairman called for a break at 3:21 p.m., and reconvened the meeting at 3:30 p.m., with all members present.

13. COUNTY ATTORNEY MATTERS

13.A. PERMISSION TO FILE SUIT FOR AN INJUNCTION AGAINST PERSISTENT CODE VIOLATOR

(Clerk's Note: This item was heard following Item 12.A.2. and is placed here for continuity.)

Attorney Reingold provided background regarding a consistent violator (William Ruetemann) who has been operating a boat repair business in his back yard. He disclosed staff's many attempts to bring this item to the Code Enforcement Board, and said that staff is now seeking permission from the Board to go to Court, seek an injunction, and obtain a definitive ruling on this issue.

Helen Curtis, 8131 135th Street, Roseland, representing herself and her neighbors, conveyed that Mr. Ruetemann engages in vessel repair in his back yard, which entails sanding, fibreglassing, painting, and overall construction of vessels. She noted that this activity should be conducted in an enclosed structure with specific designed air ventilation, and protective clothing. She complained about the noise, contaminated air, and health issues. She reported that she and her neighbors have been working with Code Enforcement to stop Mr. Ruetemann's activities, but now they are seeking Board assistance.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously authorized the County Attorney's Office to file suit in Circuit Court for injunctive relief, asking the Court to force Mr. Ruetemann to cease and desist the unauthorized boat repair business, and to stop storing boats on his property that are not registered to him, as recommended in the memorandum of February 12, 2014.

13.B. INDIAN RIVER LAGOON COUNTIES COLLABORATIVE – PROPOSED
INTERLOCAL AGREEMENT

Attorney Reingold provided background regarding the creation of the Interlocal Agreement for the Indian River Lagoon Counties Collaborative, which consists of bylaws and a document that formally recognizes the Collaborative with a sunset provision. He requested that the Board review and approve the Agreement before it is presented to the governing bodies of the various Collaborative members for their approval.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Interlocal Agreement with the various other County members of the Indian River Lagoon Counties Collaborative (Volusia, Brevard, Indian River, St. Lucie, and Martin Counties), and authorized the Chairman to execute it on behalf of the Board, as recommended in the memorandum of February 11, 2014.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

14. COMMISSIONER ITEMS

14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN - NONE

14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN - NONE

14.C. COMMISSIONER JOSEPH E. FLESCHER - NONE

14.D. COMMISSIONER BOB SOLARI

14.D.1. SEBASTIAN EQUALIZATION FEE

(Clerk's Note: This Item was heard following Item 12.I.1., and is placed here for continuity.)

Commissioner Solari read his memorandum dated February 10, 2014, regarding the County's purchase of Sebastian's water and sewer utility system in 1995, it being consolidated into the County's system, and because Sebastian's debt was assumed, the County began billing Sebastian customers an "equalization charge." He believed that after many years of the County charging the fee, the charge has equalized between the County and Sebastian customers. He found no justification for the continuation of this charge, and felt all citizens in the County should be treated fairly.

Administrator Baird provided history on the equalization charge, and said it is a policy decision for the Board.

MOTION WAS MADE by Commissioner Solari,
SECONDED by Vice Chairman Davis, to direct the
County Administrator to eliminate the Sebastian
equalization charge, which currently appears on Sebastian
water and sewer bills.

Discussion and debate ensued regarding the 6% equalization charge for non-incorporated area customers; and the reduction of about \$200,000 in revenue to the County's General Fund if the fee is eliminated.

Chairman O'Bryan wanted to know what the effective date would be.

Administrator Baird said he would bring this back to the Board after the Utility Department has had a chance to make programming changes.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Chairman O'Bryan opposed), the Motion carried

Attorney Reingold noted that in 1995, the Board had adopted Resolution 95-16, which established the 6% equalization rate, and said his office would draft a resolution stating that the rate equalization charge is no longer necessary, and bring it back to the Board in March.

14.D.2. GIFFORD ECONOMIC DEVELOPMENT COUNCIL, INC. (GEDC)

(Clerk's Note: This Item was heard in conjunction with Item 10.B.2. and is placed here for continuity. See Item 10.B.2. for discussion.)

14.E. COMMISSIONER TIM ZORC

14.E.1. FLORIDA MUNICIPAL POWER AGENCY (FMPA) MEETINGS

Commissioner Zorc shared his belief that there is an intrinsic value to being present at the Florida Municipal Power Agency (FMPA) meetings, especially now that negotiations are starting to move forward. He thinks that having a Commissioner in attendance will show unity and concern with negotiations.

MOTION WAS MADE by Commissioner Solari,
SECONDED by Vice Chairman Davis, to appoint
Commissioner Zorc as the primary designee to the Florida
Municipal Power Agency (FMPA) meetings held in
Orlando.

MOTION WAS AMENDED by Commissioner Solari to appoint Vice Chairman Davis as the alternate liaison to the Florida Municipal Power Agency (FMPA). MOTION DIED for lack of a Second.

Vice Chairman Davis said that instead of appointing an alternate, he would prefer to authorize travel to send an alternate to Orlando when Commissioner Zorc cannot attend.

Chairman O'Bryan confirmed with Attorney Reingold that there would be no Sunshine issues if the Board approves travel for any Commissioner to go to a FMPA meeting in the event that Commissioner Zorc cannot attend.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board (1) appointed Commissioner Zorc as the primary designee to attend the Florida Municipal Power Agency (FMPA) meetings in Orlando; and (2) authorized any County Commissioner to attend the Florida Municipal Power Agency meeting in Commissioner Zorc's absence.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT

The Board reconvened as the Board of Commissioners of the Solid Waste District. Those Minutes are available separately.

15.B.1. APPROVAL OF MINUTES MEETING OF JANUARY 14, 2014

**15.B.2. FINAL PAY TO GEOSYNTEC FOR WORK ORDER NO. 8 FOR
CONSTRUCTION QUALITY ASSURANCE SERVICES FOR THE RAIN FLAP
REMOVAL PROJECT**

**15.B.3. FINAL PAY FOR THE THIRD AMENDMENT TO REPUBLIC SERVICES FOR
THE RAIN FLAP REMOVAL PROJECT**

15.C. ENVIRONMENTAL CONTROL BOARD - NONE

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 3:37 p.m.

ATTEST:

Jeffrey R. Smith, CPA, CGFO, CGMA
Clerk of Circuit Court and Comptroller

Peter D. O'Bryan, Chairman

By: _____

Approved: _____

BCC/LA/2014Minutes